

Reply to office action dated 12/16/04

REMARKS/ARGUMENTS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. Applicant appreciates the Office's indication of allowability of claims 9-10, and 12-16. Applicant
5 notes that claim 13 was objected to as being dependent upon a rejected base claim. Applicant respectfully notes that claim 13 is an independent claim. Applicant assumes for purposes of this response that the objection to claim 13 was a simple clerical error on the part of the Office. Applicant left a voicemail with the examiner (Gordon 571-272-2145) on 2/22/05 asking for confirmation of
10 this interpretation. Applicant has not received a response from the examiner. Lacking such a response, Applicant herein treats claim 13 as an allowed claim. This communication is believed to be fully responsive to all issues raised in the
12/16/04 Office Action.

15 **CLAIM REJECTIONS §102**

Claims 1, 8, 11, 17 and 18 are rejected under §102 as being anticipated by US Patent Publication No. 20030016270 to Kubota et al (hereinafter, "Kubota").

CLAIM REJECTIONS §103

20 Claims 2-7 and 19-20 are rejected under §103 as being unpatentable over US Patent Publication No. 20030016270 to Kubota et al (hereinafter, "Kubota")

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in view of US Patent Publication No. 20040104198 to Chen et al (hereinafter, "Chen").

Claim 1 is directed to a fluid ejection device and is amended to recite:

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- a first substrate having a first surface, the substrate defining a fluid supply conduit extending through the substrate from the first surface;
- a stack of thin film layers having a first surface and a second surface, the first surface of the stack of thin film layers being affixed to the first surface of the substrate, the stack of thin film layers including at least one fluid energizing element;
- a second substrate having a first surface affixed to the second surface of the stack of thin film layers, the second substrate primarily configured to filter fluid and not primarily to form fluid channels and firing chambers and wherein the second substrate has at least one fluid filter opening formed over the fluid-supply conduit; and,
- a third substrate positioned over the second substrate and defining, at least in part, multiple fluid channels and multiple firing chambers.

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These limitations are not described or taught by the art of record.

Accordingly, Applicant respectfully requests that the §102 rejections of claim 1 be withdrawn.

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Claims 2-7 depend from allowable claim 1 and are allowable at least based upon the limitations of claim 1 which are not taught or suggested in the art of record. For instance, the art of record does not teach or suggest:

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- a second substrate having a first surface affixed to the second surface of the stack of thin film layers, the second substrate primarily configured to filter fluid and not primarily to form fluid channels and firing chambers and wherein the second substrate has at least one fluid filter opening formed over the fluid-supply conduit.

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Accordingly, Applicant respectfully requests that the §103 rejections of claims 2-7 be withdrawn.

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Claim 8 is directed to a fluid ejection device and is amended to recite:

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- a substrate defining a fluid supply conduit;
- a first layer assembly positioned over the substrate, the first layer assembly being primarily configured to provide electrical components including one or more resistors; and,
- a second layer assembly positioned over the first layer assembly, the second layer assembly being primarily configured to form a filter and define fluid-feed passageways and firing chambers, wherein the second layer assembly comprises at least one layer which extends across the fluid supply conduit and is

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primarily configured to filter fluid and not primarily to form a firing chamber.

These limitations are not described or taught by the art of record. Accordingly, Applicant respectfully requests that the §102 rejections of claim 8
5 be withdrawn.

Claim 11 depends from allowable claim 8 and is allowable at least for the reasons described above in relation to claim 8. Accordingly, Applicant respectfully requests that the §102 rejection of claim 11 be withdrawn.

Claim 17 is directed to a method and is amended to recite:

10 • forming at least one thin film layer over a first surface of a substrate;

 • forming at least one generally planar elastic filter layer over the at least one thin film layer the generally planar elastic filter layer having at least one fluid filter opening formed therein;

15 and,

 • forming at least one further layer over the generally elastic layer to form sidewalls which define at least in part multiple firing chambers.

These limitations are not described or taught by the art of record. 20 Accordingly, Applicant respectfully requests that the §102 rejections of claim 17 be withdrawn.

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Claim 18 depends from allowable claim 17 and is allowable at least for the reasons described above in relation to claim 17. Accordingly, Applicant respectfully requests that the §102 rejection of claim 18 be withdrawn.

Claim 19 is directed to a method and is amended to recite:

5 • forming a first layer assembly over a first surface of a substrate wherein the first layer assembly forms one or more electrical traces; and,

10 • forming a second layer assembly over the first layer assembly, wherein the first layer assembly comprises a first layer configured to filter contaminants from a fluid and not to form electrical traces, the first layer having at least one fluid filter opening formed therein over a fluid supply conduit of the substrate, and at least one additional layer formed over the first layer which forms at least a portion of sidewalls which define multiple firing channels.

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These limitations are not described or taught by the art of record. Accordingly, Applicant respectfully requests that the §103 rejections of claim 19 be withdrawn.

Claim 20 depends from allowable claim 19 and is allowable at least for 20 the reasons described above in relation to claim 19. Accordingly, Applicant respectfully requests that the §103 rejection of claim 20 be withdrawn.

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New Claims 21-23 are directed to the allowable subject matter of claims 9, 10, and 12 respectively presented in independent form. Applicant respectfully requests allowance and issuance of claims 21-23.

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CONCLUSION

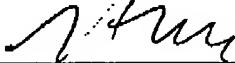
Claims 1-23 are believed to be in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

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Respectfully Submitted,
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